

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, <i>et al.</i> ,	:	
	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:17-CV-2989-AT
BRAD RAFFENSPERGER, <i>et al.</i> ,	:	
	:	
	:	
Defendants.	:	

**ORDER**

This matter is before the Court on Plaintiffs' Motions to Amend/Supplement their Complaints [Docs. 581, 600] to challenge the constitutionality of Georgia's implementation of a new statewide ballot marking device "BMD" voting system in 2020 elections.

The Curling Plaintiffs moved to amend their Complaint on August 16, 2019, the day after this Court entered its Order partially granting the Plaintiffs' motions to preliminarily enjoin Georgia's use of the DRE/GEMS voting system for future elections. The Coalition Plaintiffs followed suit three weeks later filing their own separate motion to amend on September 6, 2019. Although Defendants filed a formal opposition to the motions, in email correspondence with Plaintiffs' counsel dated September 12, 2019, Defendants indicated their consent to the motions on certain conditions:

Now that we have both proposed complaints, State Defendants and Fulton County are agreeable to consenting to these motions in order to increase efficiency on all sides if Plaintiffs will agree to the following:

1. No waiver of our defenses or ability to file motions to dismiss on the merits of the new claims.
2. Stay of all discovery until the Court issues a ruling on our motions to dismiss.
3. Hold a new 26(f) conference to create a new preliminary report and discovery plan; and
4. Meet and confer as to new deadlines for the case going forward.

Please let us know if Plaintiffs are willing to agree to these conditions or if you would like to discuss further.

(Ex. 1 to Curling Reply, Doc. 615-1.) Plaintiffs agreed to all conditions except a stay of discovery pending a ruling on any motions to dismiss.

The Court finds Defendants' suggested conditions reasonable. In the interest of efficiency, and for ease of reference to the existing record in this case, to the extent it is relevant to Plaintiffs' new claims, the Court **GRANTS** Plaintiffs' Motions to Amend/Supplement their Complaints [Docs. 488, 600]. The Clerk is **DIRECTED** to docket (i) the Curling Plaintiffs' Amended Complaint filed as Exhibit A at Doc. 581-1, and (ii) the Coalition Plaintiffs' Amended Complaint, filed as Exhibit A at Doc. 601, as of the date of this Order.

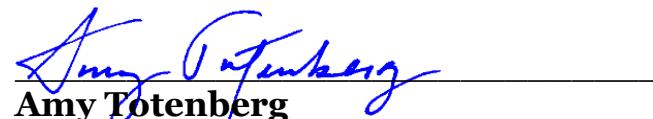
The Court sets the following briefing schedule for Defendants' Responsive Pleadings/Motions to Dismiss:

FILING	DEADLINE
Defendants' Motions to Dismiss	October 25, 2019
Plaintiffs' Response	November 4, 2019
Defendants' Replies	November 11, 2019

The Court **STAYS** discovery only as to the newly asserted claims pending a ruling on any motions to dismiss filed by Defendants. The parties are **DIRECTED** to conduct their Rule 26(f) conference on Plaintiffs' Amended Complaints **WITHIN 10 DAYS** of the Court's ruling on Defendants' motions to dismiss in the event of a denial of those motions.

The Court **DENIES** State Defendants' Motion to Strike or Disregard the Curling Plaintiffs' Motion for Preliminary Injunction [Doc. 624] and **GRANTS IN PART** the Motion for Consolidated Briefing [Doc. 624]. The Court will set a briefing schedule once the Coalition Plaintiffs have indicated whether they intend to file their own separate motion for preliminary injunction. The Court **DIRECTS** the Coalition Plaintiffs to file a Notice indicating their intent to file and their anticipated filing date **NO LATER THAN 12:00 PM, OCTOBER 21, 2019.**

**IT IS SO ORDERED** this 15th day of October, 2019.



Amy Totenberg  
United States District Judge